

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 765,
Page 1, In the Title, Line 1, by inserting immediately after "RSMo," the following: "and section
89.120, as enacted by senate committee substitute for house substitute for house committee
substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session,
and section 89.120, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth
general assembly, second regular session,"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after "RSMo," the
following: "and section 89.120, as enacted by senate committee substitute for house substitute for
house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly,
second regular session, and section 89.120, as enacted by senate committee substitute for house
bill no. 1352, eighty-ninth general assembly, second regular session,"; and

Further amend said bill, Section 72.080, Page 3, Line 83 by inserting after all of said
Section the following:

"89.120. 1. In case any building or structure is erected, constructed, reconstructed, altered,
converted, or maintained, or any building, structure, or land is used in violation of sections 89.010
to 89.140 or of any ordinance or other regulation made under authority conferred hereby, the
proper local authorities of the municipality, in addition to other remedies, may institute any
appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction,

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1 alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent
2 the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business,
3 or use in or about such premises. Such regulations shall be enforced by an officer empowered to
4 cause any building, structure, place, or premises to be inspected and examined and to order in
5 writing the remedying of any condition found to exist therein or thereat in violation of any
6 provision of the regulations made under authority of sections 89.010 to 89.140.

7 2. The owner or general agent of a building or premises where a violation of any provision
8 of said regulations has been committed or shall exist, or the lessee or tenant of an entire building
9 or entire premises where such violation has been committed or shall exist, or the owner, general
10 agent, lessee, or tenant of any part of the building or premises in which such violation has been
11 committed or shall exist, or the general agent, architect, builder, contractor, or any other person
12 who commits, takes part or assists in any such violation, or who maintains any building or
13 premises in which any such violation shall exist shall be guilty of a misdemeanor punishable as
14 follows:

15 (1) In any [municipality contained wholly or partially within a county] city with [a
16 population of over six hundred thousand and less than nine] more than three hundred thousand
17 inhabitants, by a fine of not less than ten dollars and not more than five hundred dollars for each
18 and every day that such violation continues, or by imprisonment for ten days for each and every
19 day such violation shall continue, or by both such fine and imprisonment in the discretion of the
20 court. Notwithstanding the provisions of section 82.300, RSMo, however, for the second and
21 subsequent offenses involving the same violation at the same building or premises, the
22 punishment shall be a fine of not less than two hundred and fifty dollars or more than one
23 thousand dollars for each and every day that such violation shall continue, or by imprisonment for
24 ten days for each and every day such violation shall continue, or by both such fine and
25 imprisonment in the discretion of the court;

26 (2) In all other municipalities, by a fine of not less than ten dollars and not more than
27 [one] two hundred fifty dollars for each and every day that such violation continues, [but if the
28 offense be willful on conviction thereof, the punishment shall be a fine of not less than one
29 hundred dollars or more than two hundred and fifty dollars for each and every day that such

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violation shall continue] or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section 82.300, RSMo, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars or more than five hundred dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

3. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations made under authority of sections 89.010 to 89.140 in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty dollars.

[89.120. 1. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of sections 89.010 to 89.140 or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made pursuant to the authority of sections 89.010 to 89.140.

2. Except as provided in subsection 4 of this section, the owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist

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1 shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars and not more
2 than two hundred fifty dollars for each and every day that such violation continues or by
3 imprisonment for ten days for each and every day such violation shall continue or by both such
4 fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section
5 82.300, RSMo, however, for the second and subsequent offenses involving the same violation at
6 the same building or premises, the punishment shall be a fine of not less than one hundred dollars
7 or more than five hundred dollars for each and every day that such violation shall continue or by
8 imprisonment for ten days for each and every day such violation shall continue or by both such
9 fine and imprisonment in the discretion of the court.

10 3. Any such person who having been served with an order to remove any such violation
11 shall fail to comply with such order within ten days after such service or shall continue to violate
12 any provision of the regulations made under authority of sections 89.010 to 89.140 in the respect
13 named in such order shall also be subject to a civil penalty of two hundred and fifty dollars.

14 4. In a city with a population of more than three hundred fifty thousand, the owner or
15 general agent of a building or premises where a violation of any provision of said regulations has
16 been committed or shall exist, or the lessee or tenant of an entire building or entire premises
17 where such violation has been committed or shall exist, or the owner, general agent, lessee or
18 tenant of any part of the building or premises in which such violation has been committed or shall
19 exist, or the general agent, architect, builder, contractor or any other person who commits, takes
20 part or assists in any such violation or who maintains any building or premises in which any such
21 violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten
22 dollars and not more than two hundred fifty dollars for each and every day that such violation
23 continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not
24 less than one hundred dollars or more than five hundred dollars for each and every day that such
25 violation shall continue or by imprisonment for ten days for each and every day such violation
26 shall continue or by both such fine and imprisonment in the discretion of the court.]" ; and
27

28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.

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